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FILED

JUN 08 2000

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

By: Kay R. Ehrenkrantz
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF

EMILIO GRUGNALE
License No. MC 004299

TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

Administrative Action

INTERIM CONSENT ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners (hereinafter "Board") upon receipt of certain information regarding Respondent Emilio Grugnale's ("Respondent") conduct by John J. Farmer, Jr., Attorney General of New Jersey, by Kay R. Ehrenkrantz, Deputy Attorney General, with offices located at 124 Halsey Street, Newark, New Jersey. That information included the fact that Respondent had been arrested by a Cedar Grove police officer and charged with possession of less than 50 grams of a controlled dangerous substance and was thereafter granted an administrative discharge from the Cedar Grove Municipal Court. On April 14, 2000, Respondent appeared without counsel, at an investigative inquiry held by the Board. Thereafter, Respondent acquired legal counsel, Paul W. Bergrin, Esq., and voluntarily met with a representative of the Physicians Health Program (P.H.P.) and provided a urine specimen for urinalysis.

Having reviewed the entire record, including the testimony of Respondent at the investigative inquiry, proofs submitted at that inquiry, and documents contained in the Board's license files, and the Board having made no findings in the matter, it is agreed by both parties that a hair sample analysis by the Physician's Health Program (P.H.P.) would serve both the public and Dr. Grugnale's interest;

Wherefore it appears that the parties have agreed to an interim resolution of this matter, and it appears that Respondent has read and agreed to abide by the terms of this Order, without any admissions concerning any unlawful conduct, and it further appears that this Order is adequately protective of the public interest, and good cause therefore existing for the entry of this Order, it is

ON THIS 8 DAY OF ~~May~~^{JUNE}, 2000

HEREBY ORDERED AND AGREED THAT:

1. Prior to any further urine testing, Respondent shall submit to a hair analysis by the PHP, which shall occur within seven days of the signing of this Order. The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. The P.H.P. shall be responsible to ensure that the hair sample is handled by a laboratory competent to provide these services.

All test results shall be provided to the P.H.P. and to Kevin Earle, Executive Director of the Board, or his designee in the event he is unavailable. Any positive result shall be reported immediately, that is, within twenty four hours by the P.H.P to Kevin Earle or his designee. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

Any failure by the respondent to submit or provide a hair sample within twenty-four (24) hours of the agreed date will be deemed to be equivalent to a confirmed positive hair analysis

test. ~~Any person who is found to be in violation of this Order shall be subject to the same penalties as those imposed upon a person who is found to be in violation of the provisions of the New Jersey State Board of Chiropractic Examiners.~~
~~Any person who is found to be in violation of this Order shall be subject to the same penalties as those imposed upon a person who is found to be in violation of the provisions of the New Jersey State Board of Chiropractic Examiners.~~

2. Respondent shall be responsible for any and all costs associated with the hair analysis performed by the P.H.P. as stated in paragraph (1) one above.
4. Respondent shall provide any and all releases to any and all parties participating in the monitoring, treating or other program as outlined herein, as may be required in order that all reports, records and pertinent information may be provided to the Board in a timely manner.
5. This Order shall not preclude or limit the Attorney General from filing any further administrative charges against Respondent.
6. Failure to comply with any provisions of this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.
7. The provisions of this Order shall remain in place until further Order of the Board.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By:


Anthony DeMarco, D.C.
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Emilio Grugnale, D.C.

I hereby acknowledge that I have read and consent to the form of the Order above.


Paul W. Bergin, Esq.